

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

C.R.No.4242 of 2003 (O&M)
DATE OF ORDER: 17.3.2007

Krishan and Others

...Petitioner(s)

Versus

Braham Dutt and others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. S.K. Sharma, Advocate.

Mr. O.P. Sharma, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 8.8.2006 passed by Additional Civil Judge(Sr.Divn.), Meham whereby the Court exercising the power under Order 16 Rule 14 CPC had directed that Raj Singh Ahlawat Advocate and Tehsildar Charan Dass be summoned as witnesses in rebuttal evidence of the plaintiff.

Counsel for the petitioner relies on judgments reported in Bishwanath Rai v. Sachhidanand Singh, AIR 1971, SC 1949 and M/s Harbilas Baldev Raj v. M/s Maini Brothers, 1973, PLJ, P&H, 443 and argues that as far as rebuttal evidence is concerned, there is very limited scope of producing evidence in rebuttal and the evidence produced in rebuttal is not in the nature of rebuttal.

After going through the facts of the case and detailed order dated 8.8.2003 of the court below, I do not find any good ground to interfere. The evidence led may be treated as additional evidence and the defendant may rebut that evidence, if he so desires.

Dismissed.

March 17, 2007
manoj

(M.M. AGGARWAL)
JUDGE